

## **Probate Notes for June 18, 2009**

Probate notes are a recommendation as to the outcome of the petition. Unlike tentative rulings, they do not automatically become adopted as the order of the court. If you wish to continue a matter, please contact the civil division at (530) 406-6704. If you have questions, you may contact the probate examiner at (530) 406-6802 between the hours of 2 and 4 p.m.

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**CASE: Probate Conservatorship of Robert Lynn Meyer**  
**Case No. CV PC 07-211**

It is recommended to approve the Court Investigator's report. The following are noted:

- (1) The "Amount of inventory and appraisalment" on page 1 (Summary of Account) of the account does not include all of the funds in the bank accounts shown in the Inventory and Appraisals filed on January 13, 2009, February 13, 2009, and June 1, 2009.
- (2) Petitioner failed to use the mandatory Judicial Council Form GC-400(SUM).
- (3) Original bank statements were not provided. (Prob. Code, § 2620, subd. (c)(2).)
- (4) The petition does not contain an allegation disclosing whether all of the cash has been invested and maintained in interest bearing accounts or in investments authorized by law or the governing instrument, except for an amount of cash that is reasonably necessary for the orderly administration of the estate. (Prob. Code, § 1064, subd. (a)(5).)
- (5) The petitioner should establish that requiring the conservatee to pay the court investigator's fee would impose a hardship on the conservatee. (Prob. Code, § 1851.5.)
- (6) It is recommended to grant the petitioner's request to waive the requirement of filing further accounts. However, it is recommended that the Court require the petitioner to annually file a declaration under penalty of perjury, that the conditions in Probate Code section 2628, subdivision (a) are satisfied for that annual accounting period and, if the conditions in Probate Code section 2628, subdivision (a) are not satisfied, to file and serve an account.

**CASE: Probate Conservatorship of Lidia S. Bentley Popoff**  
**Case No. CV PB 89-19428**

It is recommended to approve the first account and report of the conservator and to grant the petition for fees. It is recommended to approve the second and final account and report of the conservator and to grant the petition for discharge and for the payment of fees of the conservator. Petitioner should submit proposed orders.

**CASE: Estate of Marion Helen Acedo**  
**Case No. CV PB 09-92**

If proof of publication is filed, it is recommended to grant the petition for probate of will and for letters testamentary and for authorization to administer under the Independent Administration of Estates Act.

**CASE: Estate of Lois Maud Raisin Brinck**  
**Case No. CV PB 09-91**

It is recommended to grant the petition for probate of will and for letters testamentary and for authorization to administer under the Independent Administration of Estates Act. Petitioner should submit a proposed order.

**CASE: Estate of Joseph Espigares, Jr.**  
**Case No. CV PB 06-19**

The following are noted:

- (1) Paragraph 1 of the petition states incorrectly that the decedent died intestate.
- (2) Paragraph 2 of the petition states incorrectly that letters were issued on January 13, 2006. Letters were issued on January 30, 2006.
- (3) Petitioners did not submit an account. (Prob. Code, §§ 1060 *et seq.*, 8546, subd. (c), and 10900.)
- (4) An inventory and appraisal has not been filed. (Prob. Code, § 8800.)
- (5) The petition does not address how the assets of the estate will be distributed.
- (6) Petitioners should submit a proposed order.